

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE PAYMENT CARD INTERCHANGE FEE 1:05-md-1720 [MKB][JO]
AND MERCHANT DISCOUNT ANTITRUST LITIG.

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**REPLY TO RULE 60 MOTION TO VACATE FEE AWARD TO
GARY FRIEDMAN**

Class Counsel contend that they will use their discretion to make an appropriate allocation of attorneys' fees to attorney Friedman, and that this Court should issue no order prohibiting the payment of any fees to Friedman. This is contrary to law. The undisputed breaches of fiduciary duty established in the American Express case mandate that attorney Friedman receive no attorneys' fees in this case, not that Class Counsel have discretion to allocate fees to Mr. Friedman in any amount they deem appropriate.

Objectors ask this Court to issue an order prohibiting Class Counsel from paying any attorneys' fees to Mr. Friedman for his work in this case, let alone the \$32 million that the media has reported that he will receive. *See Exhibit A* (Steig Olson, Home Depot attorney, reported that Mr. Friedman has been awarded \$32 million for his work in this case).

CONCLUSION

In light of the known breaches of duty by Class Counsel Gary Friedman, this Court is compelled to order that Mr. Friedman may not receive any fees in this case, and Class Counsel is prohibited from paying him any fees, under the table or otherwise.

Respectfully submitted,
Unlimited Vacations and Cruises,
Daviss Donuts and Deli,
Top Gun Wrecker, Orange County
Building Materials and Jill Bishop d/b /a
Hat & Gown,

By their attorney,

/s/ John J Pentz
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed via the ECF filing system of the USDC for the EDNY on September 2, 2015, and that as a result electronic notice of the filing was served upon all attorneys of record.

/s/ John J. Pentz
John J. Pentz